

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:10-CR-351-1BR

UNITED STATES OF AMERICA

v.

WALTER KEVIN BAILEY

ORDER

This matter is before the court on defendant's letters inquiring about credit for time he was in custody from August to November 2020. (DE ## 189, 191, 192.)

On 2 July 2020, the United States Probation Office filed a motion for revocation of defendant's supervised release. (DE # 159.) A summons for defendant's appearance at the hearing was issued the same day. (DE # 160.) On 20 August 2020, the United States Probation Office filed an amended motion for revocation of defendant's supervised release. (DE # 171.) A warrant for defendant's arrest was issued the same day. (DE # 172.) Apparently because defendant was in state custody, (see DE # 174, at 2), defendant was not arrested on the revocation warrant until 16 November 2020, (see DE # 181). After a hearing on 23 November 2020, the court revoked defendant's supervised release and committed him to the custody of the Bureau of Prisons ("BOP") for 11 months.

To the extent defendant claims the BOP has not properly awarded him credit, he must seek relief by filing a petition under 28 U.S.C. § 2241 in the district of his confinement. See United States v. Little, 392 F.3d 671, 679-80 (4th Cir. 2004) (holding a request for sentencing credit is properly brought under 28 U.S.C. § 2241, naming the warden as respondent and filed in the district of confinement). Accordingly, defendant's letters to the extent they could be

deemed motions are DENIED WITHOUT PREJUDICE. The Clerk is DIRECTED to send defendant a copy of this order and the authorized form for filing a § 2241 petition.

This 25 August 2021.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt  
Senior U.S. District Judge